

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 28 2022

LR

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MITCHELL R. ELFERS
CLERK**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 19-3113-005 JB

MARCOS RUIZ,

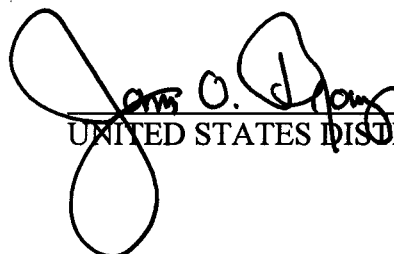
Defendant.

ORDER

THIS MATTER having come before the Court on the written Motion of the United States Attorney for the District of New Mexico for a downward variance to the guideline range that would apply using cocaine (instead of cocaine base), and the Court being fully advised in the premises, FINDS that the defendant's sentencing guideline range vary downward to the guideline range using cocaine.

IT IS THEREFORE ORDERED that a downward variance to the guideline range that would apply using cocaine instead of cocaine base be granted.

IT IS FURTHER ORDERED that the Defendant will not seek a further reduced sentence pursuant to 18 U.S.C. § 3582(c)(2) in the event the Court grants the variance and there is a future statutory change to eliminate the disparity in sentencing policy between federal offenses involving cocaine base and those involving cocaine and if the Sentencing Commission amends § 2D1.1(c) to reflect a statutory change eliminating the disparity.



UNITED STATES DISTRICT JUDGE